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Remarks

Claims 1-21 are pending in the application.

Claims 1-3, 6-7, 10-12, 16-17, and 20-21 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,423,963 B1 issued to Wu.

Claims 1, 4-5, 8-10, 13-16, 18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,483,616 B1 issued to Maddocks et al. in view of United States Patent No. 4,833,668 issued to Rowley.

Each of the various rejections is overcome by various amendments and arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the

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original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 102(e)

Claims 1-3, 6-7, 10-12, 16-17, and 20-21 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,423,963 B1 issued to Wu.

This ground of rejection is respectfully traversed.

Each of applicants' currently amended independent claims includes the limitation of "reducing counter-propagating optical power in response to the absence of the optical signal." This is not taught or suggested by Wu, which shows in column 7, lines 8-32 that a Raman pump is located only at a first hub. Wu teaches that the counter-propagating supervisory signal at a downstream second hub is an eye-safe signal, and no power from the second hub is reduced or needs to be reduced after the fault. Thus, clearly, Wu does not teach or suggest, "reducing counter-propagating optical power in response to the absence of the optical signal."

Since all of the dependent claims that depend from the current amended independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Wu. Therefore, claims 1-3, 6-7, 10-12, 16-17, and 20-21 are allowable over Wu under 35 U.S.C. §102.

Rejection Under 35 U.S.C. 103(a)

Claims 1, 4-5, 8-10, 13-16, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,483,616 B1 issued to Maddocks et al. in view of United States Patent No. 4,833,668 issued to Rowley.

This ground of rejection is respectfully traversed.

Independent claims 1, 10 and 16 includes the limitation of reducing the power level of an optical signal propagating in an optical fiber path in response to the absence of a counter-propagating supervisory signal in the optical fiber path.

Maddocks et al. discloses, in column 3, lines 43-58, that in a bi-directional single optical fiber optical communication system, the system of Maddocks would have to be modified to responding to a supervisory signal containing a unique identifier. The reason

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for this modification is because a break in or damage to the fiber will result in some reflection of the transmitted supervisory signal back into a receive circuit, and the receive circuit would continue to receive the supervisory signal even in the event of a break. Thus, the bi-directional fiber system of Maddocks et al. teaches using identifier signal in the supervisory signal to indicate a break in or damage to the fiber and teaches away from reducing power in response to the absence of a counter-propagating supervisory signal.

Rowley is silent on reducing power of the transmitter in response to the absence of a counter-propagating supervisory signal in the optical fiber path.

Thus, Maddocks et al. and Rowley, singly or in combination, do not teach or suggest reducing the power level of an optical signal propagating in an optical fiber path in response to the absence of a counter-propagating supervisory signal in the optical fiber path. As such, applicants submit that independent claims 1, 10 and 16 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Furthermore, claims 4-5, 8-9, 13-15, 18 and 19 depend, either directly or indirectly, from independent claims 1, 10 and 16 and recite additional features thereof. As such, and at least for the same reasons set forth above with respect to applicants' independent claims 1, 10 and 16, applicants submit that these claims are also non-obvious and allowable under 35 U.S.C. §103. Therefore, applicants respectfully request that the rejection be withdrawn.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully,

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By E J Wall
Eamon J. Wall, Attorney
Reg. No. 39,414
732-530-9404

Patterson & Sheridan
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702-4158